



Office of the Attorney General
State of Texas

October 27, 1992

DAN MORALES
ATTORNEY GENERAL

Ms. Beverly J. Landers
Acting Deputy City Attorney
City of Austin
P. O. Box 1088
Austin, Texas 78767-8828

OR92-615

Dear Ms. Landers:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 17522.

The City of Austin (the "city") has received a request for information relating to the Watersbend Apartment Complex. Specifically, the requestor seeks three categories of information, including:

- (1) Any and all information that is already part of a public record, including but not limited to city ordinances and resolutions, joint administrative orders, regulations, newspaper clippings and press releases;
- (2) Any and all information that does not relate to the pending litigation including but not limited to receipts for payment of fees, special permit information, and information about the placement of signs; and
- (3) Any and all information specifically made public under section 6 of the Act, without limiting the meaning of section 3(a)(3).

You advise us that some of the requested information has been made available to the requestor in accordance with a previous ruling of this office, Open Records Letter OR92-516 (1992). You claim that the requested information not addressed

in Open Records Letter OR92-516 is excepted from required public disclosure by sections 3(a)(1), 3(a)(3), 3(a)(7), 3(a)(11), and 3(a)(13) of the Open Records Act.¹

Previous open records decisions issued by this office resolve your request. Section 3(a)(3) excepts

information relating to litigation of a criminal or civil nature and settlement negotiations, to which the state or political subdivision is, or may be, a party, or to which an officer or employee of the state or political subdivision, as a consequence of his office or employment, is or may be a party, that the attorney general or the respective attorneys of the various political subdivisions has determined should be withheld from public inspection.

Section 3(a)(3) applies only when litigation in a specific matter is pending or reasonably anticipated and only to information clearly relevant to that litigation. Open Records Decision No. 551 (1990).

You advise us that litigation in this matter is pending in *Roderick Tanner, et al. v. The City of Austin, et al.*, Cause No. 92-11228, in the Travis County District Court. Having examined the documents submitted to us for review, we agree with your determination that the requested information relates to the litigation and may be withheld pursuant to section 3(a)(3). Please note that this ruling applies only for the duration of the litigation and to the documents at issue here. As we resolve this matter under section 3(a)(3), we need not address the applicability of sections 3(a)(1), 3(a)(7), 3(a)(11), and 3(a)(13) of the Open Records Act.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with

¹We note that the requestor has withdrawn his previous request, the subject matter of which we addressed in Open Records Letter OR92-516. Because the requestor's previous request has been addressed in OR92-516, we need not address it again. Accordingly, we limit the scope of this determination to additional information submitted by the city beyond that which was addressed in Open Records Letter OR92-516.

a published open records decision. If you have questions about this ruling, please refer to OR92-615.

Yours very truly,

A handwritten signature in cursive script, appearing to read "Kay H. Guajardo".

Kay H. Guajardo
Assistant Attorney General
Opinion Committee

KHG/GCK/lmm

Ref.: ID#17522

cc: Mr. Kirk P. Watson
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